

ALEX G. TSE (CABN 152348)
First Assistant United States Attorney
Attorney for the United States
Acting Under Authority Conferred by 28 U.S.C. § 515

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	CASE NO. CR-16-0461-LHK
Plaintiff,)	
v.)	STIPULATION AND [PROPOSED] ORDER
)	CONTINUINIG STATUS CONFERENCE AND
)	EXCLUDING TIME PURSUANT TO THE SPEEDY
)	TRIAL ACT
FRANCISCO JAVIER MARMOLEJO, a/k/a)	
"Blindy,")	
JORGE LOPEZ, a/k/a "Cowboy," and)	
BRYAN ALVARO CHAVEZ,)	
Defendants.)	

IT IS HEREBY STIPULATED, by and between the parties to this action, the United States of America and defendants Francisco Javier Marmolejo, Jorge Lopez, and Bryan Alvaro Chavez, that the status conference in the above-captioned matter, presently scheduled for August 2, 2017 at 9:15 a.m., be continued to September 13, 2017. The reasons for this request are as follow: Since the last appearance in this matter, the government has continued to provide the defense with discovery and the defense continues to review that material. The parties are also working on a resolution of this matter, and

STIPULATION AND ~~[PROPOSED]~~ ORDER CONTINUINIG STATUS CONFERENCE AND EXCLUDING TIME PURSUANT TO THE SPEEDY TRIAL ACT

1 believe that a short continuance will assist in that. In light of these ongoing discussions, the government
 2 has postponed filing a superseding indictment. Accordingly, the parties jointly request that the matter be
 3 continued to September 13, 2017 at 9:15a.m

4 The parties also move for an exclusion of time pursuant to the Speedy Trial Act, 18 U.S.C. §§
 5 3161(h)(7)(A) and (B)(iv) so that defense counsel may have time to further investigate this matter, and
 6 confer with the defendants, taking into account the exercise of due diligence. The parties hereby
 7 stipulate that there is good cause—taking into account the public interest in the prompt disposition of
 8 this case—to exclude the time from August 2, 2017 from computation under the Speedy Trial Act, and
 9 that failing to exclude that time would unreasonably deny the defendants and their counsel the
 10 reasonable time necessary for effective preparation of counsel taking into account the exercise of due
 11 diligence. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv). The parties further agree that the ends of justice
 12 would be served by excluding the time from August 2, 2017 to September 13, 2017 from computation
 13 under the Speedy Trial Act and that the need for the exclusion outweighs the best interests of the public
 14 and the defendant in a speedy trial.

15 SO STIPULATED.

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 19 Dated: July 19, 2017

_____/s/
 CLAUDIA A. QUIROZ
 Assistant United States Attorney

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 22 Dated: July 19, 2017

_____/s/
 CARLEEN R. ARLIDGE
 Counsel for defendant Francisco Marmolejo

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 25 Dated: July 19, 2017

_____/s/
 MICHELLE D. SPENCER
 Counsel for defendant Jorge Lopez

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 28 STIPULATION AND [PROPOSED] ORDER CONTINUING STATUS CONFERENCE AND EXCLUDING TIME
 PURSUANT TO THE SPEEDY TRIAL ACT

1 Dated: July 19, 2017

/s/
MARK D. FLANAGAN
Counsel for defendant Bryan Alvaro Chavez

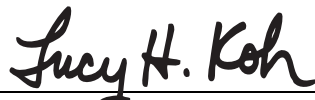
2
3
4 **~~PROPOSED~~ ORDER**

5 Good cause having been shown, IT IS HEREBY ORDERED that the status conference currently
6 scheduled for August 2, 2017 at 9:15 a.m. shall be continued to September 13, 2017 at 9:15 a.m.

7 IT IS FURTHER ORDERED that the period from August 2, 2017 to September 13, 2017 is
8 excluded from the Speedy Trial Act calculations. The Court finds that the ends of justice served by
9 excluding that period from Speedy Trial Act calculations outweighs the interests of the public and the
10 defendant in a speedy trial by allowing for the defense to prepare effectively, in accordance with 18
11 U.S.C. § 3161(h)(7)(A) and (B)(iv).

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13 IT IS SO ORDERED.

14 DATED: July 19, 2017


HONORABLE LUCY H. KOH
United States District Judge

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18 Attestation of Filer

19 In addition to myself, the other signatories to this document are Carleen R. Arlidge, Michelle D.
20 Spencer, and Mark D. Flanagan. I attest that I have their permission to enter a conformed signature on
21 their behalf and to file the document.

22 DATED: July 19, 2017

/s/
CLAUDIA A. QUIROZ
Assistant United States Attorney

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28 STIPULATION AND ~~PROPOSED~~ ORDER CONTINUING STATUS CONFERENCE AND EXCLUDING TIME
PURSUANT TO THE SPEEDY TRIAL ACT